

REMARKS

The present Amendment and Response is being submitted alongside a Request for Continued Examination on the date noted above. In the present response, claims 1-25 are pending; claim 1 is amended to clarify its scope. Applicant respectfully requests reconsideration and withdrawal of the rejections in the Office Action in light of the remarks made herein.

Claim Rejections – 35 U.S.C. § 112

The Office Action rejects claims 12-25 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Office Action points to the “user-defined identifying name” and indicates that element as containing subject matter which is not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant respectfully traverses this rejection.

Applicant asserts that user-definition of an identifying name of a data set is fully supported by the specification of the patent application. Applicant points to a specific example of such disclosure at page 76, lines 14-22 of the present application, which discusses user entry of a name of a delivery program: “[t]o customize the name of the basal delivery program, the user types the custom name into the text field 562. The custom name is assigned to the basal delivery program and appears in the tab 556 for that program. . .” Further, the specification describes various methods by which the delivery programs having user-defined identifying names can be stored into a memory of an infusion pump, for example through the pump-PC connections described in conjunction with Figure 29. Because a user-defined identifying name is fully supported in the patent specification, Applicant respectfully requests reconsideration and withdrawal of this rejection of claims 12-25.

Claim Rejections – 35 U.S.C. § 102

The Office Action rejects claims 1-25 under 35 U.S.C. § 102(e) as anticipated by Estes et al. (U.S. Patent App. No. 2003/0114836). Applicant respectfully traverses the rejection of the claims.

A. Independent Claim 1

Applicant notes that claim 1 requires, “generating a table on a user-interface displayed by the computer, the table containing a row, the row having a plurality of cells, each cell in the row relating to a different operating parameter for the delivery program; receiving entering an operating parameter entered into at least one of the cells by a user; and downloading the operating parameters into the pump”. Applicant respectfully asserts that Estes et al. fails to disclose this combination of elements of the claim.

The Office Action indicates that Estes et al. teaches display and use of parameters entered into a table on a computer by a user to control a pump. Applicant respectfully disagrees with this characterization of the reference. Estes et al. discloses in Figure 1 an infusion device; Figure 2 illustrates connection of the infusion device to an external computer. Estes et al. discloses use of parameters in Figure 3A in use within the infusion device, rather than the pump. Estes et al. states that Figure 3A refers to a bolus estimator 128, which “is generally activated by the user or health care professional in a setup menu of the external infusion device 100.” Estes et al., ¶¶40, 54. The Office Action stresses (1) an illustrated list of pump parameters in Figure 3A, (2) the possibility of bidirectional communication between a computer and the infusion device (Office Action, p. 3), and (3) display of parameters used to control the pump on a display 114 (Office Action, p. 10) to establish that Estes et al. discloses generating a table on a computer. However, (1) the display of pump parameters of Figure 3A occurs on the infusion pump, as previously mentioned; (2) the bidirectional communication between a computer and infusion device does not establish that the computer performs any specific actions; and (3) the display 114 is a display on the pump 100, shown in Figure 1 – not on a computer attached thereto. Entry of operating parameters would therefore also occur based on the display attached to the pump, not on a computer communicatively connected to the pump. Therefore, at least this aspect of claim 1 is not disclosed in Estes et al.

B. Independent Claim 8

Regarding claim 8, Applicant notes that the claim requires, among other elements, “a plurality of data sets, each data set containing a plurality of operating parameters”. Applicant respectfully asserts that Estes et al. fails to disclose at least this element of the claim. The Office Action indicates that the “SUSPEND, BOLUS, and BASAL” functions are separate data sets which meet this element of the claim. Applicant respectfully disagrees that these functions correspond to the data sets of the claim. First, there is no indication that the functions or parameters run by those functions are received from a computer; rather, as noted by the Office Action, the various events corresponding to the SUSPEND, BOLUS, and BASAL functions are “taken as inputs to the bolus estimator 128” – a bolus estimator which Estes et al. indicates is part of the infusion pump, and is not a computer. Even if certain events could be received as inputs to a computer (which Applicant does not concede), these would not constitute data sets, which require a set of inputs received from the computer in the infusion pump. Secondly the SUSPEND, BOLUS, and BASAL functions correspond to delivery programs and not to data sets related to those programs. Estes et al. therefore lacks at least these elements of claim 8.

C. Independent Claim 9

Claim 9 requires, among other elements, a computer to “generate a table on a user interface, the table containing a row, the row having a plurality of cells, each cell in the row relating to a different operating parameter for the delivery program.” Applicant respectfully asserts that Estes et al. fails to disclose at least this element of the claim. Applicant notes that this element corresponds generally to the element argued to be lacking from claim 1, above, and further asserts that this element is likewise lacking from Estes et al.

D. Independent Claims 12 and 19

Claims 12 and 19 require, among other elements, “a user-defined identifying name.” Applicant observes that at least this element is not disclosed in Estes et al. The Office Action considers a “user-defined identifying name” to refer to “a uniquely identifying name”. Office Action, p. 2. Applicant respectfully disagrees with this characterization of the term “user-defined identifying name”. As indicated above with respect to the rejection of these claims under 35 U.S.C. § 112, various portions of the specification indicate where a user of a computer communicatively connected to the pump may select and define a name for a delivery program to

be stored in the pump memory. Applicant notes that a user-defined identifying name is different from an identifying name as construed by the Office Action, at least in that it provides some indication as to how the name is defined – by a user. Applicant asserts that Estes et al. fails to disclose at least a “user-defined identifying name” and therefore cannot anticipate claims 12 and 19.

E. Dependent Claims 2-7, 10-11, 13-18, and 20-25

Claims 2-7 depend from independent claim 1. Likewise, claims 10-11 depend from claim 9, claims 13-18 depend from claim 12, and claims 20-25 depend from claim 19. Each of these dependent claims inherit all of the limitations of the corresponding independent claims. Applicant respectfully asserts that these claims are not anticipated by Estes et al. for at least the same reasons as set forth above with respect to the corresponding independent claims. Applicant therefore respectfully requests reconsideration and allowance of each of these dependent claims as well.

Conclusion

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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